

NEED NOT BE CREEKS.

Anyone Qualifying Can be Guardian of Minors.

THE ARKANSAS LAW.

Judge Raymond Makes a Ruling Which Will Help Out Somewhat in the Indian Territory Situation.

Muskogee, I. T., Nov. 19.—Judge Raymond, of the United States court for the western district, has decided that the act of the last congress repealing the probate laws of Arkansas adopted for the Indian Territory in 1890 repeals the provision of the Creek agreement, that none but Creek citizens can act as guardians of the property of Creek minors, and makes it possible for any who can qualify to the satisfaction of the court to become guardians.

The judge has instructed R. P. Harrison, clerk of the court, hereafter to file petitions of those seeking guardianships regardless of the question whether or not they are Creeks. This is a sweeping decision and affects at least half of the lands in the Creek nation. Fully one-half of this amount is owned by minors and is subject to the control of the courts through guardianships. The decision of this court is considered one of the most important in recent years because it will make it safe to regularly appointed guardians, and lease the land of Indian minors from will tend to bring settlers into the nation.

The Creek agreement of 1902, which has governed the courts in appointing guardians from that time to the present says:

"Allotments for any minor may be selected by his father, mother or guardian in the order named, and shall not be sold during his minority. All guardians or curators appointed for minors shall be citizens."

The act of last April, according to the decision of Judge Raymond, places guardianship matters under the act of May 2, 1890, and thus sets aside the Creek agreement.

The former probate law will now be the guide of the courts in the Creek nation in guardianship matters. The courts will appoint any competent person guardian who may be designated by the parents or other authorized persons. The guardian must be over 21 years of age and able to give bond equal to double the value of the estate in his hands, or if the land, double the amount which the land will bring in rentals. These bonds must be approved by the judge, and no one will

be given an opportunity to speculate at the expense of his wards or to defraud them.

As in the past, the judge will require a strict accounting from the guardian at regular intervals, and if he fails to give this he will be put in jail for contempt. If he wastes the property of the minor, his bondsmen will be held for the amount, as is the law in the states.

When the Creeks instituted the clause in the agreement providing that none but a Creek Indian could act as guardian for a Creek child, they enacted a law which has caused much loss in property and money to minor children. In most cases it has been impossible to find citizens who could give the necessary bond, and as a result fully two-thirds of the lands of minors has been handled either by parents who were incompetent, or were allowed to go unmanaged. This state of affairs has resulted in much confusion and farmers have almost stopped leasing the land of Indian minors, knowing that in many cases the person acting for the ward has no authority to make a lease contract.

Judge Raymond formerly held that the parent of a Creek Indian child is not the legal guardian of his child's property unless duly appointed and qualified by the court, and that decision was affirmed by the court of appeals. Parents in many cases, however, have disregarded this de-

cision, and have leased the lands of their minor children with the belief that the right to be the natural guardian of their children carries with it interest without consulting the court. Several such leases have been taken into court. This has made farmers afraid to lease the lands of minors. As a result many fine farms are lying idle and bringing no revenue to the owners.

Under the treaty a white man who married an Indian woman could not look after the property interests of his children, no matter how competent he might be. The mother could not assume the guardianship, because the act debarred a married woman from such duties. Thus the parent were compelled to see the affairs of their children managed by outsiders. The ruling of Judge Raymond will remedy this condition and make it possible for the intermarried citizen to become the guardian if otherwise qualified.

When it was found impossible under the treaty to find a qualified citizen to act as guardian, the property of the children was often left in the hands of parents who had no idea of the value of money or land, and who wasted it with an abandon which was disastrous to the interests of the minors. This condition will no longer be permitted in the Creek nation, and every minor will have a competent guardian who will be held to a strict accounting for the property in his hands.

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